



Agenda Item No. 3.1.a
Council Meeting of 10/28/08

City of Tigard Tigard Business Meeting Minutes

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD (LCRB)

MEETING DATE/TIME: August 26, 2008/6:30 p.m. Study Session and 7:30 p.m.
Business Meeting

MEETING LOCATION: City of Tigard - Town Hall, 13125 SW Hall Blvd., Tigard, OR
97223

- STUDY SESSION

Track 1

Mayor Dirksen called the meeting to order at 6:30 p.m.

- Discuss Whether to Participate in the *Oregon 150 Celebration*

Assistant City Manager Newton reviewed the information distributed to the City Council regarding the plans to celebrate Oregon's 150th year of being a state. At a minimum Assistant City Manager Newton suggested that the regular events the City conducts would adopt this as a theme during the months of April and May; i.e., the SOLV event. City Council members agreed with Mayor Dirksen that this is a good idea, but at this time participation will be minimal.

Track 2

- Council Agenda Scheduling

Assistant City Manager Newton reviewed the Council Service Task Force recommendation regarding shortening City Council meetings. Council members received information regarding types of meetings with outside agencies and program/department reports.

The Council will meet with Metro, the School District, and TriMet since the City Council goals are directly related to these agencies. For other agencies, the City Council will no longer schedule agenda sessions for them to give updates; rather, the City Council would like to receive a written report or suggested these agencies be encouraged to record a video presentation and air it on the government channels. The City Council will no longer meet with the Senior Center Board.

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City Council will continue to receive the short updates during the citizen communications; periodically, TVF&R will give updates on the Tigard stations.

Program/Department Reports: When there is a special presentation to be made by the City Council for people who have worked on a program, then the Council would like a short report on the program.

Boards and Committees: City Council will continue to meet with these groups regularly.

Mayor Dirksen asked if there was some activity planned to kick-off the Neighborhood Program. Assistant City Manager Newton reported that in the next *Cityscape* the Steering Committee would be unveiled. Only one neighborhood does not have a webpage. Annual meetings will start this fall. In January or February, the City will host an open house so neighborhoods can display what they are doing. This open house will occur every year. In response to a question from Councilor Buehner, Assistant City Manager Newton agreed that the City Council members' presence at this event would be good.

Track 3

- City Council agreed to cancel the November 11, 2008, City Council meeting; this is Veterans Day, a City holiday.
- City Council received written testimony for Agenda Item No. 6 – Legislative Public Hearing – CPA 2008-0003 – Tigard Comprehensive Plan Update Pertaining to Statewide Planning Goal 5: Natural Resources and Historic Areas. Associate Planner Floyd will include reference to this testimony during his staff report.
- City Council reviewed the schedule for upcoming Council meetings.
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session under ORS 192.660(2) (e) and (h) to discuss real property transaction negotiations and for consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

City Council reconvened the Study Session.

- Councilor Buehner distributed a map showing the urban reserves draft study area; a copy is on file in the City Recorder's office. The Reserves Steering Committee has reviewed this configuration, which shows the area often referred to as the "donut." The Committee is to vote on whether this is the appropriate study area for the urban reserves to go forward. Councilor Buehner asked for Council direction. She said her only concern was with the adjustment to add a small part of Multnomah County where it would have been more

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logical to use either Germantown Road or 185th as a boundary. Councilor Buehner said she has not received an answer as to why the proposed boundary was selected, which is irregular because it follows along a creek that meanders in and out of the county. Mayor Dirksen said he thought Councilor Buehner should pursue this boundary question.

In response to a notation by Councilor Wilson, City Attorney Ramis reported that the urban reserves area does not go into Marion County near Wilsonville. Marion County declined when asked if they would be willing to participate in the urban reserves through an Intergovernmental Agreement. Yamhill County also declined.

1. BUSINESS MEETING

1.1 Mayor Dirksen called the meeting to order at 7:32:12 PM

1.2 Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Councilor Sherwood	✓	
Councilor Buehner	✓	
Councilor Wilson	✓	
Councilor Woodruff	✓	

1.3 Pledge of Allegiance

1.4 Council Communications & Liaison Reports: None 7:32:51 PM

1.5 Call to Council and Staff for Non-Agenda Items: None

7:33:01 PM

2. CITIZEN COMMUNICATION

- Tigard Area Chamber of Commerce Update: President Lisa Watts introduced the new Tigard Chamber CEO, Chris Zoucha.

Mr. Zoucha will be serving the Chamber full-time beginning next week. A new office manager will be hired. He reviewed the September schedule, which will include the Governmental Affairs Meeting on September 9 to discuss upcoming ballot measures. The annual golf tournament will be September 11. President Watts advised that Leadership classes would start in January 2009.

- Citizen Communication

7:36:00 PM

Brad Johnson, 8000 SW Bond Street, Tigard, OR 97224 spoke about safety concerns in his neighborhood. During the past year, the residents of SW Bond Street located

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between SW 79th Avenue and SW 81st Avenue have grown increasingly concerned about the high-rate of speed of vehicle traffic. He referred to a recent street connection that occurred with the development of Gage Forest; the volume and speed of traffic on SW Bond Street has increased dramatically. He reported that there are 19 children who live on a two-block stretch on Bond Street between 79th Avenue and 81st Avenue. During the past year, several parents have witnessed near-accidents on Bond Street.

Residents have contacted Tigard City police to see what could be done to address the problem. The police have been sympathetic and more attentive to the area; however, thus far it has little effect on mitigating what the residents feel are unsafe speeds. He reported an incident from the night before, where a motorist used the street as a “drag strip” and left a 145-foot long skid mark just before the stop sign at 79th Avenue.

Mr. Johnson advised that neighbors are in the process of drafting a petition and following the process to place speed humps on Bond Street to mitigate excessive speeding. He referred to a similar situation resulting in speed humps on Ashford Street.

Mr. Johnson said his communication tonight should be considered the beginning of an ongoing entreat to the City Council requesting significant meaningful action be taken to reduce traffic speeds along Bond Street.

In response to a question from Councilor Woodruff about what the cost would be for speed humps, Mr. Johnson understood it would be \$1000 to \$1500. He said he would be willing to pay much more because it is such a safety concern. In response to a question from Council President Sherwood, Mr. Johnson confirmed he had talked to City staff about speed humps; however, while sympathetic it is still early in the process. The neighbors were concerned that this would be an issue when the development was proposed and it is now time to get something done. Councilor Buehner said the “children at play” signs have helped in her neighborhood. Mr. Johnson said there is a sign like this on Bond Street.

Mayor Dirksen commended Mr. Johnson for the proactive actions. Mayor Dirksen said he did not think there would be a problem with getting speed bumps on this street unless there would be some engineering issue regarding the street. Usually, the only delay is because of the expense, but if Mr. Johnson and his neighbors are willing to cover the cost, this should expedite the process. Mayor Dirksen added there are other options rather than only speed humps for traffic calming devices that might be better for the neighborhood.

7:45:14 PM

Dean Kirkpatrick, 8050 SW Bond Street, Tigard, OR noted there was a “Child at Play” sign around the corner that was run over.

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7:45:48 PM

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (*Tigard City Council, Local Contract Review Board and City Center Development Agency*)
 - 3.1 Approve City Council Minutes for June 17 and 24, 2008
 - 3.2 Approve Intergovernmental Agreement between the City of Tigard and the State of Oregon Department of Transportation for Installation of a Signalized Crosswalk on Hall Boulevard
 - 3.3 Approve Intergovernmental Agreement with Clean Water Services to Develop a Private Water Quality Facility Management Plan – Resolution No. 08-49

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH CLEAN WATER SERVICES TO DEVELOP A PRIVATE WATER QUALITY FACILITIES MANAGEMENT PLAN

- 3.4 Name the Tigard Library Park Shelter as the “Muhammad Saili Memorial Shelter” and Planting a Tree in the General Vicinity of the Shelter in Honor of Drs. H. Achmad Amins, Mayor of Samarinda, Indonesia – Resolution No. 08- 50

A RESOLUTION NAMING THE TIGARD LIBRARY PARK SHELTER AS THE “MUHAMMAD SAILI MEMORIAL SHELTER” AND PLANTING A TREE IN THE GENERAL VICINITY OF THE SHELTER IN HONOR OF DRS. H. ACHMAD AMINS, MAYOR OF SAMARINDA, INDONESIA

- 3.5 Local Contract Review Board:
 - a. Award Contract to Murray, Smith & Associates, Inc. for the Design and Construction Management of the 10-Million Gallon Reservoir Site Improvements Including a Pump Station and Reservoir Seismic Evaluation/Upgrades
 - b. Award Contract to Water Truck Service, Inc. for Street Sweeping Services and Authorize the City Manager to Execute the Contract

Motion by Councilor Wilson, seconded by Councilor Woodruff, to approve the Consent Agenda.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

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7:47:47 PM

4. AMENDMENT TO RESOLUTION NO. 08-06, THE RESOLUTION OF NECESSITY FOR BURNHAM STREET AND ASH AVENUE IMPROVEMENTS

a. City Engineer Duenas presented the staff report regarding proceeding with acquisition with all properties needed for the construction of improvements to Burnham Street and Ash Avenue. Before the Council was a proposed resolution amending the original Resolution of Necessity, which would authorize the City Manager to negotiate and enter into agreements on this project, including those valued at \$75,000 and higher.

b. Council consideration:

Motion by Council President Sherwood, seconded by Councilor Wilson, to approve Resolution No. 08-51.

A RESOLUTION OF THE CITY COUNCIL AMENDING RESOLUTION NO. 08-06 TO AUTHORIZE THE CITY MANAGER TO PROCEED WITH ACQUISITION OF ALL PROPERTIES, INCLUDING THOSE VALUED AT \$75,000 AND HIGHER, FOR CONSTRUCTION OF IMPROVEMENTS TO BURNHAM STREET AND ASH AVENUE

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

7:50:11 PM

5. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00004/ZONE CHANGE (ZON) 2008-00001 - JIVANJEE ZONE CHANGE

REQUEST: The applicant is requesting approval for a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for two lots totaling 1.18 acres from Medium-Density Residential (R-12) to General-Commercial (C-G).

LOCATION: 11580 and 11600 SW Hall Boulevard; Washington County Tax Assessor's Map 1S135DD, Tax Lots 100 and 1600. The site is bounded by SW Hall Blvd. on the west, Hwy. 217 on the east, property zoned C-G on the south, and property zoned C-P on the north.

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CURRENT ZONING: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. Wide ranges of civic and institutional uses are also permitted conditionally.

CURRENT COMPREHENSIVE PLAN DESIGNATION: Medium-Density Residential.

PROPOSED ZONING: C-G: General Commercial District. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a Citywide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences, which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.

PROPOSED COMPREHENSIVE PLAN DESIGNATION General Commercial.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals # 8 (Transportation) and # 12 (Locational Criteria); and any applicable Statewide Planning Goals and Guidelines, and any Federal, State, or Metro statutes or regulations.

7:51:13 PM

- a. Mayor Dirksen opened the public hearing.
- b. City Attorney Ramis reviewed the rules of procedure for the hearing.
- c. Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits? Council President Sherwood noted she frequently drives by this location.
 - Have all members familiarized themselves with the application? All City Council members indicated they were familiar with the application.
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council? There were no challenges.
- d. Associate Planner Pagenstecher presented the staff report identifying the location of the property, the standards of approval, and the plans by the applicant to develop a storage facility, which is not allowed in the current zone. Staff finds that the applicant has met the standards of approval. The Planning Commission recommended that the City Council approve the proposal.

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Councilor Buehner asked how it happened that there was an island of residential land in the middle of general commercial zoning. Associate Planner Pagenstecher advised staff looked into this question, but found no legislative information as to why this occurred. He said it might have been possible that there was residential development on the site that was being accommodated with the residential zoning. Density requirements are met with either commercial or residential zoning designation for this property.

In response to a question from Mayor Dirksen, Associate Planner Pagenstecher advised the applicant has applied for a pre-application conference, which is scheduled for next week. Associate Planner Pagenstecher said the applicants have indicated they would like to access the property off Warner Avenue and retaining an emergency access on Hall Boulevard. Access remains to be determined in the conditional use permit review.

8:00:14 PM

e. Public Testimony

- Applicant

Saj Jivanjee, 9055 SW Beaverton-Hillsdale Highway, Portland Oregon noted his agreement with the staff presentation. He noted they plan to add an additional storage to the one they have already completed. He described what the proposed storage facility would look like; the new building would have more windows and would be aesthetically pleasing.

f. Associate Planner Pagenstecher recommended that City Council approve the Comprehensive Plan and Zoning Map amendments by adopting proposed ordinance.

8:00:56 PM

g. Mayor Dirksen closed the public hearing.

h. Council Discussion and Consideration: Ordinance No. 08-12

In response to a question from Councilor Woodruff, Council President Sherwood noted there was an existing older apartment building and housing in this area located on a bluff overlooking Highway 217. Associate Planner Pagenstecher advised the existing dwellings would be a non-conforming use.

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8:02:05 PM

Motion by Council President Sherwood, seconded by Councilor Buehner, to adopt Ordinance No. 08-12.

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA 2008-00004, AND ZONE CHANGE ZON 2008-00001, TO CHANGE THE COMPREHENSIVE PLAN DESIGNATIONS AND ZONING MAP CLASSIFICATIONS FOR TWO LOTS TOTALING 1.18 ACRES FROM MEDIUM DENSITY RESIDENTIAL (R-12) TO GENERAL COMMERCIAL (C-G) SUBJECT TO A CONDITION OF APPROVAL LIMITING THE TRIP GENERATION RATE TO THAT ALLOWED OUTRIGHT UNDER THE EXISTING R-12 ZONING

8:02:55 PM

Mayor Dirksen commented that when the City Council considers changes such as this, Council considers traffic impacts and changes in the residential capacity that we have in the City. This piece of property is small; therefore, the impact is slight.

8:03:25 PM

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

8:03:46 PM

6. LEGISLATIVE PUBLIC HEARING – COMPREHENSIVE PLAN AMENDMENT (CPA) 2008-00003 – TIGARD COMPREHENSIVE PLAN UPDATE PERTAINING TO STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES AND HISTORIC AREAS

REQUEST: To amend the current Comprehensive Plan to include goals, policies and recommended action measures to reflect current community conditions and values relating to Tigard's Natural Resources and Historical Areas. The complete text of the proposed Amendment can be viewed on the City's website at http://www.tigard-or.gov/code_amendments.

LOCATION: Citywide.

ZONE: All City Zoning Districts.

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APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Chapters Citizen Involvement, Environmental Quality, Hazards, Public Facilities and Services, and Natural Features and Open Spaces; Metro Functional Plan Titles 3 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7 and 11.

8:03:57 PM

- a. City Attorney Ramis reviewed the rules of procedure for the hearing.
- b. There were no declarations or challenges.

8:06:53 PM

- c. Mayor Dirksen opened the public hearing.
- d. Associate Planner Floyd presented the staff report; detailed speaking notes prepared by Mr. Floyd are on file in the City Recorder's office.

8:21:18 PM

Councilor Buehner recalled that there were two workshops before the Planning Commission and the Commission received public testimony at the workshops as well as at the public hearing. Councilor Buehner added that the City Council also held a workshop and took public testimony also.

In response to a question from Mayor Dirksen, Associate Planner Floyd advised there were about six to nine members who served on the Policy Interest Team for this section of the Comprehensive Plan update.

Councilor Woodruff asked about Page 5-2, Paragraph 1. He noted appreciation for the addition of some unique features but wondered why Summer Creek was not added. After brief discussion, Associate Planner Floyd said staff would add Summer Creek to this section.

- e. Public Testimony

8:23:54 PM

Warren Aney, 9403 SW 74th Avenue, Tigard OR 97223 submitted a letter for the record; a copy is on file in the City Recorder's office. As a professional wildlife biologist, he advised he supports the plan, but noted his concern about the phrase "to the extent feasible." He would like for this wording to be strengthened and offered several alternatives.

Councilor Buehner thanked him for the time he gave to the City for this effort.

Mayor Dirksen commented on the word "feasible" and said he, too, spent time thinking about alternative language. He concluded that this word will work because it allows us to consider individual circumstances and factors when determining whether

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criteria have been met. Eventually, the City Council would make the final determination on whether “feasible” was adequately addressed for each circumstance.

Mr. Aney concurred with Councilor Woodruff’s observation that he would prefer wording that would indicate “as much as possible” and agreed this was subjective. Councilor Wilson said he would agree with Mr. Aney if this was Development Code language; however, this is for the Comprehensive Plan, which is a guide for writing the Development Code. City Council will be the ultimate arbitrators of what is feasible. Resources and Development Code language still need to be identified and this language would be much more specific. The Comprehensive Plan represents “aspirational” language. He said he hoped that Mr. Aney would be involved when the Development Code language is prepared. Councilor Wilson responded to a question from Mr. Aney advising he thought the aspirational language is needed because the City Council is in a position of balancing the budget and competing interests; the language gives the City Council some flexibility. Mayor Dirksen added if this flexibility was not allowed, it could potentially commit the City to actions, which might not even be legally defensible.

- f. Staff Recommendation: Associate Planner Floyd advised that staff found that the language included in the amendment complies with the applicable State land use goals, the City’s municipal code and comprehensive plan policies, as well as federal, state, and regional plans and regulations.

Therefore, staff recommends adopting language forwarded by the Planning Commission found in Exhibit A of Attachment 1, as amended by the recommended changes in Attachment 2.

8:33:13 PM

- g. Mayor Dirksen closed the public hearing.
- h. Council Consideration:

Councilor Woodruff advised, while nothing will please everyone, he is satisfied with the work and adjustments made during the numerous meetings, which included citizen involvement.

Councilor Buehner thanked the Planning Commission and staff for all of their work referring to the numerous hours spent on this matter. The Mayor acknowledged the work of the Policy Interest Team. This will be a good guide for this City Council and future City Council members to deal with issues with trying to balance human habitat and natural resources preservation within the confines of the urban growth boundary – this has been a challenge and this goes a long way toward moving forward.

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8:35:53 PM

Councilor Wilson said staff did a good job of responding to City Council's August 5 comments. A policy still needs to be made on Policy No. 7 referring to the three alternatives presented. He said he thought any of the alternatives could be included. While he thought Alternative 2 could be adopted, the Council would probably implement something that would be closer to Alternative 3 in terms of eventual Development Code language.

8:37:14 PM

Councilor Buehner concurred with Councilor Wilson and leans toward Alternative No. 3. Councilor Woodruff agreed. Mayor Dirksen noted his concern with No. 3 is that it implies that the City is a bystander during these actions. He suggested combining the wording for No. 2 and 3. Mayor Dirksen noted his preference for Alternative No. 2. There was consensus by the City Council for Alternative No. 2.

8:39:58 PM

Motion by Councilor Wilson to approve the staff recommendation with the insertion of Alternative No. 2. Mayor Dirksen suggested including Summer Creek in the list of resources and Councilor Wilson agreed to this suggestion.

There was brief discussion.

Councilor Wilson rephrased the motion: "I move that we adopt Ordinance 08-13 according to the staff recommendation with the following changes: The insertion of Summer Creek before Fanno Creek in the list of resources and among the three alternatives in Policy 7, that we include Alternative No. 2."

Councilor Woodruff seconded the motion.

ORDINANCE NO. 08-13 – AN ORDINANCE ADOPTING
COMPREHENSIVE PLAN AMENDMENT CPA 2008-00003 TO UPDATE
THE GOALS, POLICIES AND RECOMMENDED ACTION MEASURES
PERTAINING TO NATURAL RESOURCES AND HISTORIC AREAS,
STATEWIDE PLANNING GOAL 5, AS AMENDED.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes

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8:43:05 PM

7. COUNCIL LIAISON REPORTS

Councilor Buehner announced her stepson is participating in the Olympics for the US 8-man rowing team. The team took the bronze medal.

8. NON-AGENDA ITEMS: None.

9. EXECUTIVE SESSION: Not held

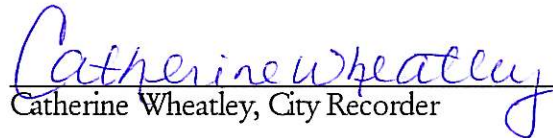
8:43:32 PM

10. ADJOURNMENT

Motion by Councilor Woodruff seconded by Council President Sherwood, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Councilor Buehner	Yes
Councilor Wilson	Yes
Councilor Sherwood	Yes
Councilor Woodruff	Yes


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: 10.28.08

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